

1 XAVIER BECERRA  
Attorney General of California  
2 DAMON G. MCCLAIN  
Supervising Deputy Attorney General  
3 PREETI K. BAJWA  
Deputy Attorney General  
4 State Bar No. 232484  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 879-0980  
Fax: (510) 622-2270  
7 E-mail: Preeti.Bajwa@doj.ca.gov  
*Attorneys for Defendants*  
8 *R. Diaz, G. Viera Rosa, and C. Koenig*

9  
10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

13  
14 **IN RE CTF GP PRISONER LITIGATION:**  
15 **DANIEL P. CRUZ, et. al.,**

16 Plaintiffs,

17 v.

18 **R. DIAZ, et al.,**

5:19-CV-1974-LHK

**DEFENDANTS' RESPONSE TO  
COURT'S ORDER TO SHOW CAUSE**

Judge: The Honorable Lucy H. Koh  
Trial Date: n/a  
Action Filed: November 20, 2019

19  
20  
21 Defendants Diaz, Viera Rosa, and Koenig respond to this Court's Order to Show Cause.

22 On July 13, 2020, defense counsel was contacted by the Correctional Training Facility  
23 (CTF), the institution where Plaintiff Ambrosio Villagrana (CDCR No. C84430) is presently  
24 housed, and informed that Villagrana had appeared before his Unit Classification Committee  
25 (UCC) on June 30, 2020, which had recommended him for transfer to a Non-Designated  
26 Programming Facility (NDPF). (Decl. of Preeti K. Bajwa (Bajwa Decl.) ¶ 6.) Defense counsel  
27 was informed that Diana Cruz, who referred to herself as Villagrana's inmate advocate, was  
28 inquiring about this recommendation. (*Id.*)

1 Because Villagrana brought this case objecting to a transfer to a NDPF, defense counsel  
2 contacted CDCR to inquire about Villagrana's status. (Bajwa Decl. ¶ 7.) Counsel was informed  
3 that Villagrana was only recommended for a transfer and not endorsed nor was he scheduled for  
4 transfer to a NDPF. (*Id.*)

5 CDCR reviewed the matter further, and on July 14, 2020, determined that Villagrana would  
6 not be endorsed for transfer. (Decl. of C. Thompson ("Thompson Decl.") ¶¶ 3-6.) Defense  
7 counsel was informed of the same. (Bajwa Decl. ¶ 8.)

8 Further, to ensure that Villagrana and his advocate, Diana Cruz, understand that Villagrana  
9 will not be transferred, this information has now been communicated to them. (*See* Bajwa Decl. ¶  
10 9; Decl. of E. Galvan ("Galvan Decl.") ¶ 2, Exhibit A.)

11 Based on the above information and the Declarations provided in support of this response,  
12 Defendants did not make any misrepresentation to the Court. Villagrana's housing situation  
13 remains the same—he is not scheduled to be moved or transferred to a NDPF. (Thompson Decl.  
14 ¶¶ 5-6.) Accordingly, no temporary restraining order is necessary.

15  
16 Dated: August 25, 2020

Respectfully submitted,

17 XAVIER BECERRA  
18 Attorney General of California  
19 DAMON G. MCCLAIN  
Supervising Deputy Attorney General

20  
21 */s/ Preeti K. Bajwa*  
PREETI K. BAJWA  
22 Deputy Attorney General  
23 *Attorneys for Defendants Diaz, Viera Rosa,*  
*and Koenig*

24 SF2019202635  
91281904